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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/645,807	08/21/2003	Wen-Pin Lin	LIN 5-1/2100.001000	8034
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EXAMINER NGUYEN, TUAN HOANG				
ART UNIT 2618		PAPER NUMBER		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/645,807

Applicant(s)

LIN ET AL.

Examiner

TUAN H. NGUYEN

Art Unit

2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 February 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 and 27-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,7-25 and 27-31 is/are rejected.
- 7) ☒ Claim(s) 2-6 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed on 02/03/2009 have been fully considered but they are not persuasive.

In response to Applicant's remark on page 10, line 4-5, Applicant argues that Hansen et al. (US PAT. 7,324,785 hereinafter "Hansen") reference cited by the Examiner does not disclose or suggest at least "a request is NOT for providing a power level, as called for in claim 1". Examiner respectfully disagrees with the Applicant arguments. Applicant should refer to Hansen reference (fig. 3, col. 6 lines 39-49 i.e., if the incoming RF signal includes information that requested the access point 20 (base station) to adjust its power level, controller 87 interprets this data to produce gain control signal 93. Accordingly, gain control signal 93 causes amplifier 81 to adjust its gain (provide a power level associated with a transmitting component of a base station) to the requested level). whereas the Examiner interpreted "a request is for providing a power level, as called for in claim 1". Applicant also argues that "does not describe that the access point measures any power level during its gain adjustment" (Applicant remarks page 10, lines 9-10). Examiner respectfully disagrees with the Applicant arguments. Applicant should refer to Hansen reference (fig. 3, col. 6 lines 50-56 i.e., "if the received RF signal corresponds to a packet transmitted by a station, the controller 87 determines the adequacy of the power level (measuring power level) used by the station to transmit the packet. If the power level is inadequate, the controller 87 may

determine a new power level or provide the RSSI 95 and channel state information 97 to the station within the transmit frame data 89". Therefore, the teaching of the prior art references still read on.

Base on the above rational, it is believed that the claimed limitations are met by the references submitted and therefore, the rejection maintained.

Claim Objections

2. Claims 27 and 28 are objected to because of the following informalities: claims 27 and 28 depend on cancelled claim 25. Examiner assume that claims 27 and 28 depend on claim 25. Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-6, 11, 17-20, 25-26, and 30-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hansen et al. (US PAT. 7,324,785 hereinafter "Hansen") in view of Lee et al. (U.S PAT. 7,158,812 hereinafter, "Lee").

Consider claim 1, Hansen teaches receiving a request from a remote unit (fig. 1, station 22) to provide a power level associated with a transmitting component of a base station (fig. 1, access point 20) for a cellular network communications system, wherein the request is transmitted over a communications protocol (fig. 3 col. 6 lines 39-49); measuring at the base station a power level of a signal provided by the transmitting component in response to receiving the request from the remote unit (col. 6 lines 39-56).

Hansen does not explicitly show that providing, from the base station, the measured power level to the remote unit over the communications protocol.

However, Lee teaches providing, from the base station, the measured power level to the remote unit over the communications protocol (col. 2 lines 20-33).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use, providing, from the base station, the measured power level to the remote unit over the communications protocol, as taught by Lee, in order for measuring output power of a pilot channel of a CDMA (code division multiple access) base station, capable of accurately measuring property of transmission output power of the base station.

Consider claim 11, Hansen teaches an article comprising one or more machine-readable storage media containing instructions that when executed enable a processor to: receive a request from a remote unit to indicate a power level of a signal provided by a transmitting component of a base station (fig. 1, access point 20) for a cellular network

communications system (fig. 3 col. 6 lines 39-49); determine, at the base station, if the measured power level is at an acceptable level (col. 2 line 44 through col. 3 line 6); and adjust a power level of an output signal provided by the transmitting component by a preselected level in response to determining that the measured power level is not at the acceptable level (col. 9 lines 18-33).

Hansen does not explicitly show that measure, at the base station, a power level of the signal in response to receiving the request from the remote unit.

However, Lee teaches measure, at the base station, a power level of the signal in response to receiving the request from the remote unit (col. 2 lines 20-33).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use, measure, at the base station, a power level of the signal in response to receiving the request from the remote unit, as taught by Lee, in order for measuring output power of a pilot channel of a CDMA (code division multiple access) base station, capable of accurately measuring property of transmission output power of the base station.

Consider claim 17, Hansen teaches an apparatus, comprising a base station, the apparatus comprising: an interface adapted to receive a request from a remote unit to adjust a transmit power level of a first component of the base station (fig. 3 col. 6 lines 39-49); and a control unit communicatively coupled to the interface, the control unit adapted to: determine a power level of an output signal of the first component in response to the request (fig. 3 col. 6 lines 39-49).

Hansen does not explicitly show that provide the determined power level of the output signal of the first component to the remote unit.

However, Lee teaches provide the determined power level of the output signal of the first component to the remote unit (col. 2 lines 20-33).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use, provide the determined power level of the output signal of the first component to the remote unit, as taught by Lee, in order for measuring output power of a pilot channel of a CDMA (code division multiple access) base station, capable of accurately measuring property of transmission output power of the base station.

Consider claim 18, Hansen further teaches the base station services a cellular communications system and wherein the output signal comprises at least one of a paging channel, synchronization signal, traffic channel, access channel, and pilot channel, and wherein the control unit is further adapted to determine if the measured power level is at an acceptable level (col. 6 lines 39-49).

Consider claim 19, Hansen further teaches the control is further adapted to adjust a power level of an output signal provided by the transmitting component by a preselected level in response to determining that the measured power level is not at the acceptable level (col. 2 line 44 through col. 3 line 6).

Consider claim 20, Hansen further teaches the control unit is adapted to adjust the power level by adjusting an amount of attenuation that is applied to the output signal (col. 6 lines 39-49).

Consider claim 25, Hansen teaches a communications system, comprising: a remote unit adapted to provide a request to calibrate a transmit power level (fig. 3 col. 6 lines 39-49); a base station for a cellular communications system communicatively coupled to the remote unit over a communications protocol, the base station adapted to: receive the request (fig. 3 col. 6 lines 39-49); determine if the measured power level is at an acceptable level (col. 2 line 44 through col. 3 line 6); and adjust a power level of an output signal provided by the transmitting component by a preselected level in response to determining that the measured power level is not at the acceptable level (col. 9 lines 18-33).

Hansen does not explicitly show that measure a power level of a signal provided by a transmitting component.

However, Lee teaches measure a power level of a signal provided by a transmitting component (col. 2 lines 20-33).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use, measure a power level of a signal provided by a transmitting component, as taught by Lee, in order for measuring output power of a pilot channel of a CDMA (code division multiple access) base station, capable of accurately measuring property of transmission output power of the base station.

Consider claim 26, Hansen further teaches the base station is a base station for a cellular communications system (col. 1 lines 22-27)

Consider claim 30, Hansen further teaches the base station is associated with at least one of a local area network and a cordless communications system (col. 3 lines 27-32).

Consider claim 31, Hansen teaches an apparatus, comprising a base station, the apparatus comprising: means for receiving, at a base station, a request from a remote unit to provide a power level associated with a transmitting component, wherein the request is transmitted over a communications protocol (fig. 3 col. 6 lines 39-49); means for measuring, at a base station, a power level of a signal provided by the transmitting component in response to receiving the request from the remote unit (fig. 3 col. 6 lines 39-49).

Hansen does not explicitly show that means for providing, from a base station, the measured power level to the remote unit over the communications protocol.

However, Lee teaches means for providing, from a base station, the measured power level to the remote unit over the communications protocol (col. 2 lines 20-33).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use, means for providing, from a base station, the measured power level to the remote unit over the communications protocol, as taught

by Lee, in order for measuring output power of a pilot channel of a CDMA (code division multiple access) base station, capable of accurately measuring property of transmission output power of the base station.

5. Claims 7 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hansen in view of Lee and further in view of Burchfiel (U.S. PUB. 2004/0092281).

Consider claim 7, Hansen and Lee in combination, fails to teach the transmitting component is a baseband radio and wherein signal provided by the baseband radio is deliverable to one of an antenna port and a power meter, and wherein measuring the power level comprises directing the signal provided by the baseband radio to the power meter in response to receiving the request from the remote unit.

However, Burchfiel teaches the transmitting component is a baseband radio and wherein signal provided by the baseband radio is deliverable to one of an antenna port and a power meter, and wherein measuring the power level comprises directing the signal provided by the baseband radio to the power meter in response to receiving the request from the remote unit (page 12 [0153]).

Therefore, it is obvious to one of ordinary skill in the art at the time the invention was made to incorporate the disclosing of Burchfiel into view of Hansen and Lee, in order to increase the available spectrum in a wireless network.

Consider claim 16, Burchfiel further teaches the transmitting component is a baseband radio and wherein a signal provided by the baseband radio is deliverable to

one of an antenna port and a power meter, wherein the instructions when executed enable the processor to direct the signal provided by the baseband radio to the power meter in response to receiving the request from the remote unit (page 12 [0153]).

6. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hansen in view of Lee and further in view of Schulist et al. (U.S. PUB. 2006/0018289 hereinafter "Schulist").

Consider claim 8, Hansen and Lee in combination, fails to teach the transmitting component is a baseband radio, and wherein measuring the power level comprises measuring the power level of at least one of a paging channel, synchronization channel, access channel, traffic channel, and pilot channel.

However, Schulist teaches the transmitting component is a baseband radio, and wherein measuring the power level comprises measuring the power level of at least one of a paging channel, synchronization channel, access channel, traffic channel, and pilot channel (page 5 [0067]).

Therefore, it is obvious to one of ordinary skill in the art at the time the invention was made to incorporate the disclosing of Schulist into view of Hansen and Lee, in order to control access to a node of a wireless communications network in which identification codes are used to differentiate access requests of different network components.

7. Claims 9, 14-15, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hansen in view of Lee and further in view of Evans et al. (U.S. PUB. 2004/0257988 hereinafter "Evans").

Consider claim 9, Hansen and Lee in combination, fails to teach the communications protocol is a high-level data link control protocol, wherein the transmitting component is associated with a base station of a cellular communications system, and wherein the remote unit is located in a mobile services switching center associated with the base station.

However, Evans teaches the communications protocol is a high-level data link control protocol, wherein the transmitting component is associated with a base station of a cellular communications system, and wherein the remote unit is located in a mobile services switching center associated with the base station (pages 3 and 4 [0038]).

Therefore, it is obvious to one of ordinary skill in the art at the time the invention was made to incorporate the disclosing of Evans into view of Hansen and Lee, in order to provide a data transmission system for determining whether to allow transmission of data, the data transmission system comprising: a source for transmitting data destined for a destination over a network.

Consider claim 14, Evans further teaches the transmitting component is associated with a base station of a cellular communications system, wherein the instructions when executed enable the processor to receive the request over a

communications protocol from a mobile services switching station associated with the base station (pages 3 and 4 [0038]).

Consider claim 15, Evans further teaches the instructions when executed enable the processor to provide the measured power level to the remote unit located at the mobile services switching center (pages 3 and 4 [0038]).

Consider claim 29, Evans further teaches the remote unit is located at a mobile services switching center associated with the base station (pages 3 and 4 [0038]).

8. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hansen in view of Lee and Evans, and further in view of Mortazavi et al. (U.S. PUB. 2002/0188764 hereinafter "Mortazavi").

Consider claim 10, Hansen, Lee and Evans in combination, fails to teach the base station comprises at least a second transmitting component, wherein measuring the power level comprises deactivating the second transmitting component before measuring the power level.

However, Mortazavi teaches the base station comprises at least a second transmitting component, wherein measuring the power level comprises deactivating the second transmitting component before measuring the power level (page 2 [0016]).

Therefore, it is obvious to one of ordinary skill in the art at the time the invention was made to incorporate the disclosing of Mortazavi into view of Hansen, Lee and Evans, in order to provide an exception handler allowing asynchronous invocation of remote objects.

9. Claims 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hansen in view of Lee as applied to claim 11 above, and further in view of Kobayashi et al. (U.S. PAT. 5,574,993 hereinafter "Kobayashi").

Consider claim 12, Hansen and Lee in combination, fails to teach the instructions when executed enable the processor to decrease the power of the output signal by attenuating the output signal by a preselected amount.

However, Kobayashi teaches the instructions when executed enable the processor to decrease the power of the output signal by attenuating the output signal by a preselected amount (col. 9 lines 19-32).

Therefore, it is obvious to one of ordinary skill in the art at the time the invention was made to incorporate the disclosing of Kobayashi into view of Hansen and Lee, in order to provide a mobile communication which is capable of maintaining the linearity during a small power output similar to the linearity during a large power output for a radio-frequency power.

Consider claim 13, Hansen further teaches the instructions when executed enable the processor to decrease the power of the output signal by attenuating the output signal by a preselected amount (col. 9 lines 19-54).

10. Claims 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hansen in view of Lee and further in view of Nakayama (U.S. PUB. 2004/0180686).

Consider claim 21, Hansen and Lee in combination, fails to teach a power meter, wherein the control unit is adapted to provide the output signal of the first component to the power meter.

However, Nakayama teaches a power meter, wherein the control unit is adapted to provide the output signal of the first component to the power meter (page 2 [0026]).

Therefore, it is obvious to one of ordinary skill in the art at the time the invention was made to incorporate the disclosing of Nakayama into view of Hansen and Lee, in order to provide a transmission output circuit can always perform correct transmission power control, and can detect the abnormality of transmission power.

Consider claim 22, Nakayama further teaches a switch device adapted to receive the output signal from the first component and adapted to provide the output signal to at least one of an antenna port and the power meter in response to receiving a signal from the control unit (page 6 [0087]).

11. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hansen in view of Lee and further in view of Mortazavi et al. (U.S. PUB. 2002/0188764 hereinafter "Mortazavi").

Consider claim 23, Hansen and Lee in combination, fails to teach the base station comprises a second component, and wherein the control unit is adapted to deactivate the second component of the base station before determining the power level of the output signal of the first component.

However, Mortazavi teaches the base station comprises a second component, and wherein the control unit is adapted to deactivate the second component of the base station before determining the power level of the output signal of the first component (page 2 [0026]).

Therefore, it is obvious to one of ordinary skill in the art at the time the invention was made to incorporate the disclosing of Mortazavi into view of Hansen and Lee, in order to provide an exception handler allowing asynchronous invocation of remote objects.

12. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hansen in view of Lee and Mortazavi, and further in view of Kim (U.S. PAT. 6,701,136).

Consider claim 24, Hansen, Lee and Mortazavi in combination, fails to teaches the first component is a baseband radio associated with an alpha sector of a first carrier

and the second component is a baseband radio associated with the alpha sector of a second carrier.

However, Kim teaches the first component is a baseband radio associated with an alpha sector of a first carrier and the second component is a baseband radio associated with the alpha sector of a second carrier (see fig. 1 col. 2 lines 20-22).

Therefore, it is obvious to one of ordinary skill in the art at the time the invention was made to incorporate the disclosing of Kim into view of Hansen, Lee and Mortazavi, in order to detection and setting of the optimal transmission attenuation values for multiple CDMA channels, thereby reducing time and cost for the detection and setting.

13. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hansen in view of Lee and further in view of Kim (U.S PAT. 6,701,136).

Consider claim 27, Hansen and Lee in combination, fails to teach the base station is adapted to provide a three-carrier, three-sector coverage.

However, Kim teaches the base station is adapted to provide a three-carrier, three-sector coverage (col. 2 lines 20-22).

Therefore, it is obvious to one of ordinary skill in the art at the time the invention was made to incorporate the disclosing of Kim into view of Hansen and Lee, in order to detect and setting of the optimal transmission attenuation values for multiple CDMA channels, thereby reducing time and cost for the detection and setting.

14. Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hansen in view of Lee and further in view of Rath (U.S. PUB. 2005/0068902).

Consider claim 28, Hansen and Lee in combination, fails to teach the base station is adapted to provide a six-carrier, six-sector coverage.

However, Rath teaches the base station is adapted to provide a six-carrier, six-sector coverage (page 2 [0040] and page 3 [0051]).

Therefore, it is obvious to one of ordinary skill in the art at the time the invention was made to incorporate the disclosing of Rath into view of Hansen and Lee, in order to provide a combination of high data rates to a large number of users and >99% coverage to potential customers in a service area.

Allowable Subject Matter

15. Claims 2-6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

16. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

17. Any response to this action should be mailed to:

Mail Stop_____ (Explanation, e.g., Amendment or After-final, etc.)

Commissioner for Patents

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to TUAN H. NGUYEN whose telephone number is (571)272-8329. The examiner can normally be reached on 8:00Am - 5:00Pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Maung Nay A. can be reached on (571)272-7882882. The fax phone

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number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information Consider the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Tuan H. Nguyen/
Examiner
Art Unit 2618

/Nay A. Maung/
Supervisory Patent Examiner, Art
Unit 2618